

**RECEIVED** UNITED STATES DISTRICT COURT  
for the

OCT 12 2021

Southern District of OHIO

RICHARD W. NAGEL  
Clerk Of Court  
CINCINNATI, OHIO

Division

1:21CV657

Case No.

(to be filled in by the Clerk's Office)

Raphael Robert Caldwell

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

West Chester Police department,  
Jason Flick,  
Guy Veeneman,  
Bradley Popplewell

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

J. BLACK

MJ. LITKOVITZ

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**  
(Prisoner Complaint)

**NOTICE**

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

**I. The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Raphael Robert Caldwell		
All other names by which you have been known:	Robert Raphael Caldwell		
ID Number	A 785107		
Current Institution	Grafton Correctional Institution		
Address	2500 S. AVON BELDEN ROAD		
	Grafton	OHIO	44044
	City	State	Zip Code

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

**Defendant No. 1**

Name	West Chester Police Department		
Job or Title ( <i>if known</i> )	Law Enforcement Agency		
Shield Number	n/a		
Employer	n/a		
Address	9577 BECKET ROAD		
	West Chester	OHIO	45069
	City	State	Zip Code

☐ Individual capacity ☒ Official capacity

**Defendant No. 2**

Name	Jason Flick		
Job or Title ( <i>if known</i> )	Detective		
Shield Number	(unknown to plaintiff)		
Employer	West Chester Police Department		
Address	9577 BECKET ROAD		
	West Chester	OHIO	45069
	City	State	Zip Code

☒ Individual capacity ☒ Official capacity



## Defendant No. 3

Name Guy Veeheman  
 Job or Title (if known) Police Officer  
 Shield Number (unknown to plaintiff)  
 Employer West Chester Police Department  
 Address 9577 Becket Road  
West Chester OHIO 45069  
 City State Zip Code

☒ Individual capacity ☒ Official capacity

## Defendant No. 4

Name Bradley Popplewell  
 Job or Title (if known) Police Officer  
 Shield Number (unknown to plaintiff)  
 Employer West Chester Police Department  
 Address 9577 Becket Road  
West Chester OHIO 45069  
 City State Zip Code

☒ Individual capacity ☒ Official capacity

## II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the “deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws].” 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

Multiple Civil right Violations (Fourth Amendment also).

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed.

Jason Flick operated as a detective, Guy Veeneman as well as Bradley Popplewell operated as officers of the State of OHIO. The defendants violated my civil rights while operating as such.

### III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
- ☐ Civilly committed detainee
- ☐ Immigration detainee
- ☒ Convicted and sentenced state prisoner
- ☐ Convicted and sentenced federal prisoner
- ☐ Other (explain) \_\_\_\_\_

### IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

747 and Hamilton Mason Rd. in West Chester Township.  
• Please refer to attachment •

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.



C. What date and approximate time did the events giving rise to your claim(s) occur?

October 4, 2019 at approximately 11:00 am.

D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)

The defendants are employees of the West Chester police dept. The three claims listed in this complaint took place on the same date subsequently. Further, the events detailed in the claims were recorded on OFC. Veeneman and Bradley's bodycams. \*(PLEASE refer to attach. Continuing my claims)\*

V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical treatment, if any, you required and did or did not receive.

n/a

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes. If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for the acts alleged. Explain the basis for these claims.

I am seeking money damages in the amount of \$50,000.00. The actions of the defendants have resulted in myself enduring pain and suffering, financial hardships, slander, and such actions have also resulted in false imprisonment.

## Section D. attachment (Page 5 of 11) 1 of 2

### D. Facts underlying your claims :

Claim 1.) On October 4, 2019 in the area of West Chester Township, the defendants led by Jason Flick (detective) decided to have a K-9 unit en route before initiating a traffic stop involving myself; it was also decided in advance to detain and hold me for the arrival of the K-9. Upon commencement of the traffic stop conducted by officers Guy Veeneman and Bradley Popplewell as part of the directive given by detective Jason Flick via phone, extended the traffic stop without cause and detained myself in order to await the arrival of the K-9 unit without my consent.

Claim 2.) Following the traffic stop a pat down was performed (Terry-Pat down) by officer Guy Veeneman during which he squeezed and then placed his hand into my back left pocket where he retrieved a pair of gloves and then placed them back into my pocket. Officer Veeneman then squeezed my front left pocket, placed his hands into the pocket retrieving a small black bag which was tied. He then opened it and searched further. This was all done without being under arrest, without my consent, and was also witnessed by officer Bradley Popplewell (including body cams).



Section D. attachment (Page 5 of 11) 2 of 2

D. Facts underlying your claims:

Claim 3.) Detective Jason Flick seized my vehicle involved in the mentioned traffic stop (claim 1) and had it towed directly to the West Chester Police dept. Such was done without my consent and also without a warrant.

**VII. Exhaustion of Administrative Remedies Administrative Procedures**

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☐ Yes

☒ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

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B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☐ Yes

☐ No

☐ Do not know

C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☐ Yes

☐ No

☐ Do not know

If yes, which claim(s)?

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**Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)**

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- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☐ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☐ No

- E. If you did file a grievance:

1. Where did you file the grievance?

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2. What did you claim in your grievance?

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3. What was the result, if any?

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4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. *(Describe all efforts to appeal to the highest level of the grievance process.)*

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F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

my complaint involves civil rights violations which took place prior to incarceration.

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2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

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G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

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*(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)*

#### VIII. Previous Lawsuits

The “three strikes rule” bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has “on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury.” 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this “three strikes rule”?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

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A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

☐ Yes

☒ No

B. If your answer to A is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

\_\_\_\_\_

3. Docket or index number

\_\_\_\_\_

4. Name of Judge assigned to your case

\_\_\_\_\_

5. Approximate date of filing lawsuit

\_\_\_\_\_

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition. \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*

\_\_\_\_\_

C. Have you filed other lawsuits in state or federal court otherwise relating to the conditions of your imprisonment?

Pro Se 14 (Rev. 12/16) Complaint for Violation of Civil Rights (Prisoner)

☐ Yes

☒ No

D. If your answer to C is yes, describe each lawsuit by answering questions 1 through 7 below. *(If there is more than one lawsuit, describe the additional lawsuits on another page, using the same format.)*

1. Parties to the previous lawsuit

Plaintiff(s) \_\_\_\_\_

Defendant(s) \_\_\_\_\_

2. Court *(if federal court, name the district; if state court, name the county and State)*

3. Docket or index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending?

☐ Yes

☐ No

If no, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? *(For example: Was the case dismissed? Was judgment entered in your favor? Was the case appealed?)*



**IX. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: 09/28/2021

Signature of Plaintiff

R. Caldwell

Printed Name of Plaintiff

Raphael Robert Caldwell

Prison Identification #

A785107

Prison Address

GCI 2500 S. Avon Belden Road  
Grafton OHIO 44044

City

State

Zip Code

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Address

City

State

Zip Code

Telephone Number

E-mail Address